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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,551	09/19/2005	Adrian Barclay Caroen	URQU.P-019	3821
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EXAMINER				
BRAHAN, THOMAS J				
ART UNIT		PAPER NUMBER		
3654				
MAIL DATE		DELIVERY MODE		
04/04/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/549,551

Applicant(s)

CAROEN ET AL.

Examiner

Thomas J. Brahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5, 7, 8, 10-13, 19 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-5, 7, 8, 10-13, 19 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-089)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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1. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

2. Claims 3-8, 13 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gray in view of Tremblay or Tremblay in view of Gray. Gray shows the basic claimed containment device for a seat having multiple spaced sides, the containment device comprising:

- a fixing point (tongue 44) mounted on or adjacent one of the two spaced sides (on the front side of the seat);

- a reel carrier having a housing (the abdomen shield 32 or just the reel retraction mechanism) sized and shaped to fit locate comfortably within a users hand (as each of the upper legs of the Y-shaped shield fits in an adult hand or the smaller retraction mechanism fits in an adult hand) and having a fixing component (38) integral with the housing, which fixing component is;

- a reel (spool 60) rotatably mounted in the reel carrier (32);

- a length of belt (26) wound onto, and fixed at one end to, the reel (60) and having an opposite free end, wherein the opposite free end is fixed on or adjacent to the other of the spaced sides (the back side of the seat), and wherein the reel carrier is displaceable laterally between the spaced sides (the front side and the back side as seen in figure 1) to position the fixing component (38) for engageable with the fixing point (44).

Note that the term "lateral sides" in line 1 of claim 24 is not assigned to a specific direction with respect to any of the claimed elements as to have any direction, in this from left to right as seen in figure 1 of Gray, as considered as defining lateral sides. Gray varies from the claims by not being used on a stairlift chair. Figure 6 of Tremblay shows a chair for a stair lift which is combined with a containment belt. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to use the child restraint of Gray in other known uses for restraining devices, such as on a seat of a stair lift, as taught by Tremblay. Alternatively, It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the chairlift/seat belt combination of Tremblay by substituting a restraint system similar to Gray, as to have the lift safe for use by a child. The containment device of Gray has locking means (actuator assembly 82) operable to lock the position of the belt by the act of engaging the reel carrier to the fixing point (44), as claims 3 and 4 are best understood. The containment device of Gray includes retraction means (retractor assembly 50) to retract the belt

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into the reel carrier, as recited in claim 5. The point at which the belt enters and exits the reel carrier is surrounded by a support member, which has a degree of flexibility which is less than the flexibility of the belt, as recited in claims 7 and 8. The containment device of Gray includes a further belt (28) configured to, in use, pass over a shoulder of a user, the further belt being connected to the reel carrier (32), as recited in claim 13.

3. Claims 5, 6, 10-12 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tremblay in view of Nicholas. Figure 6 of Tremblay shows the basic claimed combination of a stairlift chair including two spaced sides and a containment device (122), the containment device comprising a pair of fixing points mounted the spaced sides of the chair and a length of seat belt. Tremblay varies from claim 24 by not having a reel for retracting the seat belt. Nicholas shows a seat belt comprising:

- a fixing point (26) mounted on or adjacent one of the spaced sides (of the seat);

- a reel carrier having a housing (40) sized and shaped to locate comfortably within a users hand and having a fixing component (41) integral with the housing (40), which fixing component is engageable with the fixing point (26);

- a reel rotatably mounted in the reel carrier;

- a length of belt (42) wound onto, and fixed at one end to, the reel and having an opposite free end, wherein the opposite free end is fixed on or adjacent to the other of the spaced sides, and wherein said reel carrier is displaceable laterally between the spaced sides to position the fixing component (41) for engagement and is engageable with the fixing point (26); the retractor may travel with the belt, as to be displaceable, see the last three lines of column 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the seat belt of Tremblay by providing it with a retracting reel, as to have it retractable for adjustable and for non-use storage as taught by Nicholas. The containment belt of Nicholas has a spring retraction means, see column 3, lines 3-5, as recited in claim 5. The stairlift chair of Tremblay includes two spaced armrests, the free end of the belt of Nicholas would be attached at one of the armrests, with reel carrier being removably connectable at the other of the armrests, as recited in claim 10, with the connections closer to the forward edges of the armrests, as recited in claim 11, as to be within the sight of a stairlift user, as recited in claim 12.

4. Claims 3, 4, 19 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tremblay in view of Weman. Figure 6 of Tremblay shows the basic claimed combination of a stairlift chair including two spaced sides and a containment device (122), the containment device comprising a pair of fixing points mounted the spaced sides of the chair and a length of seat belt. Tremblay varies from claim 24 by not having a reel for retracting the seat belt. Figure 2 of Weman shows a seat belt comprising:

- a fixing point (8 or 27) mounted on or adjacent one of the sides (of the seat);

- a reel carrier having a housing (at 25) sized and shaped to locate comfortably within a users hand and having a fixing component (26) integral with the housing (at 25), which fixing component is engageable with the

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fixing point (8 or 27);

a reel (25) rotatably mounted in the reel carrier; a length of belt (22) wound onto, and fixed at one end to, the reel and having an opposite free end, wherein the opposite free end is fixed on or adjacent to the other of the spaced sides, and wherein the reel carrier is displaceable laterally between the spaced sides to position the fixing component for engagement and is engageable with the fixing point (the retractor may travel with the belt, as to be displaceable, or it may be permanently secured, see the last three lines of column 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the seat belt of Tremblay by providing it with a retracting reel, as to have it retractable for adjustable, as taught by Weman. Attaching the reel in place locks the reel, see column 3, lines 30 and 31, as recited in claims 3 and 4. Weman has two belts (2 and 3), as recited in claim 19

5. Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tremblay in view of Nicholas, as applied above to claim 24, and further in view of Gray or Weman. Tremblay taken with Nicholas shows the basic claimed combination of a stairlift chair and a reeled seat belt. It varies from the claims by not having a locking means with engaged with the belt is affixed in place. Gray shows a seat belt system with a rod (86) which locks the reel when the seat is buckled in place. Weman teaches that attaching the reel in place locks the reel, see column 3, lines 30 and 31. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the seat belt of Tremblay by providing the reel with a locking mechanism actuated by buckling the belt in place, as to have the reel automatically locked, as taught by Gray, or as taught by Weman.

6. Claims 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tremblay in view of Nicholas, as applied above to claim 24, and further in view of Comeau or Takada. Tremblay taken with Nicholas shows the basic claimed combination of a stairlift chair and a reeled seat belt. It varies from the claims by not having a the exit of the reel carrier formed with a supporting member. Comeau shows a seat belt system with a belt slot (68) at the reel housing exit. Takada shows a seat belt system with a guide sheath (24) at the reel housing exit. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the seat belt of Tremblay by providing the reel housing with guide sheath, to guide the belts movements and prevent chaffing, as taught by Comeau, or as taught by Takada.

7. Claims 13 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tremblay in view of Nicholas, as applied above to claim 24, and further in view of Berton et al. Tremblay taken with Nicholas shows the basic claimed combination of a stairlift chair and a reeled seat belt. It varies from the claims by not having a shoulder strap. Berton et al shows a similar seat belt system with a shoulder strap (21). It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the seat belt of Tremblay by providing it with a shoulder belt, for better restraint, as taught by Berton et al.

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8. Applicant's remarks in the amendment filed December 3, 2007, have been considered but not deemed to be fully persuasive. The claims have not related the sides of the chair as to define any specific direction as the lateral direction. Also the size of the human hand varies, as to have a larger hand hold whatever portion of Gray that would be considered as the reel housing.

9. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Mr. Peter Cuomo, can be reached at (571) 272-6856. The fax number for all patent applications is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Thomas J. Brahan/
Primary Examiner, Art Unit 3654